

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PUBLIC MEETINGS AND PUBLIC  
5 RECORDS LAWS; PROVIDING FOR THE CONDUCT OF PUBLIC MEETINGS BY REMOTE MEANS;  
6 PROVIDING DEADLINES FOR RESPONDING TO A REQUEST FOR PUBLIC INFORMATION; REVISING  
7 FEES CHARGED FOR PROVIDING PUBLIC RECORDS; REVISING CERTAIN MEETING NOTICE  
8 REQUIREMENTS; AMENDING SECTIONS 2-3-203, 2-6-1002, 2-6-1006, 2-6-1017, 7-1-2121, 7-1-2122, 7-1-  
9 4127, 7-1-4129, 7-1-4131, 7-5-2122, 7-5-4121, AND 20-3-322, MCA; AND PROVIDING AN IMMEDIATE  
10 EFFECTIVE DATE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
14 NEW SECTION. **Section 1. Conducting public meetings by remote means.** (1) An agency may  
15 hold a meeting, in whole or in part, through remote means.

16 (2) The notice of a meeting to be held remotely must include information about the method by which  
17 the meeting will be held, how the public may participate remotely, and how documents to be discussed during  
18 the meeting can be accessed by the public.

19 (3) If a meeting will be held in whole or in part through remote attendance and participation, the  
20 agency shall provide a remote communication system that provides agency members and the public the ability  
21 to reasonably participate in the meeting. If an agency does not have the technology or resources to provide  
22 video conferencing temporarily or permanently, the agency shall ensure, at a minimum, that:

23 (a) agency members and the public in attendance can adequately hear each other;

24 (b) members of the public have a reasonable opportunity to comment on items on the agenda and on  
25 any matters not on the agenda through participation through the remote communication system or by other  
26 reasonable means;

27 (c) minutes of the meeting or a record of the meeting are taken pursuant to the agency's established  
28 rules for taking minutes; and

1 (d) agency members and the public can reasonably observe all materials reviewed and discussed by  
2 the agency during the meeting. The agency may determine the best procedure for submission of materials to  
3 the agency prior to or during the meeting, as long as the public can access all related materials through one of  
4 the following methods:  
5 (i) the agency's website;  
6 (ii) the remote communication system to be used for the meeting; or  
7 (iii) on an individual basis, by e-mail, by mail, in person, or by any other method described in the notice  
8 of the meeting.

9

10 **Section 2.** Section 2-3-203, MCA, is amended to read:

11 **"2-3-203. Meetings of public agencies and certain associations of public agencies to be open**  
12 **to public -- exceptions.** (1) All meetings of public or governmental bodies, boards, bureaus, commissions,  
13 agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or  
14 in part by public funds or expending public funds, including the supreme court, must be open to the public.  
15 Meetings may be held in whole or in part by remote means as provided in [section 1].

16 (2) All meetings of associations that are composed of public or governmental bodies referred to in  
17 subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.

18 (3) The presiding officer of any meeting may close the meeting during the time the discussion relates  
19 to a matter of individual privacy and then if and only if the presiding officer determines that the demands of  
20 individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived  
21 by the individual about whom the discussion pertains and, in that event, the meeting must be open.

22 (4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be  
23 followed with respect to litigation when an open meeting would have a detrimental effect on the litigating  
24 position of the public agency.

25 (b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only  
26 parties are public bodies or associations described in subsections (1) and (2).

27 (5) The supreme court may close a meeting that involves judicial deliberations in an adversarial  
28 proceeding.

1 (6) Any committee or subcommittee appointed by a public body or an association described in  
2 subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to  
3 the requirements of this section."  
4

5 **Section 3.** Section 2-6-1002, MCA, is amended to read:

6 **"2-6-1002. Definitions.** As used in this chapter, the following definitions apply:

7 (1) "Confidential information" means information that is accorded confidential status or is prohibited  
8 from disclosure as provided by applicable law. The term includes information that is:

9 (a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds  
10 the merits of public disclosure;

11 (b) related to judicial deliberations in adversarial proceedings;

12 (c) necessary to maintain the security and integrity of secure facilities or information systems owned  
13 by or serving the state; and

14 (d) designated as confidential by statute or through judicial decisions, findings, or orders.

15 (2) "Constitutional officer" means the governor, lieutenant governor, attorney general, secretary of  
16 state, superintendent of public instruction, or auditor, who are the constitutionally designated and elected  
17 officials of the executive branch of government.

18 (3) "Constitutional officer record" means a public record prepared, owned, used, or retained by a  
19 constitutional officer.

20 (4) "Distribution list" means a list maintained by a public agency or created from public records  
21 containing the first name or first initial and last name in combination with a mailing address, place of residence,  
22 telephone number, e-mail address, or other contact information for the individuals listed.

23 ~~(4)~~(5) "Essential record" means a public record immediately necessary to:

24 (a) respond to an emergency or disaster;

25 (b) begin recovery or reestablishment of operations during and after an emergency or disaster;

26 (c) protect the health, safety, and property of Montana citizens; or

27 (d) protect the assets, obligations, rights, history, and resources of a public agency, its employees  
28 and customers, and Montana citizens.

1           ~~(5)~~(6) "Executive branch agency" means a department, board, commission, office, bureau, or other  
2 public authority of the executive branch of state government.

3           ~~(6)~~(7) "Historic record" means a public record found by the state archivist to have permanent  
4 administrative or historic value to the state.

5           ~~(7)~~(8) "Local government" means a city, town, county, consolidated city-county, special district, or  
6 school district or a subdivision of one of these entities.

7           ~~(8)~~(9) "Local government records committee" means the committee provided for in 2-6-1201.

8           ~~(9)~~(10) "Permanent record" means a public record designated for long-term or permanent retention.

9           ~~(10)~~(11) "Public agency" means the executive, legislative, and judicial branches of Montana state  
10 government, a political subdivision of the state, a local government, and any agency, department, board,  
11 commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of  
12 the state of Montana.

13           ~~(11)~~(12) "Public information" means information prepared, owned, used, or retained by any public  
14 agency relating to the transaction of official business, regardless of form, except for confidential information that  
15 must be protected against public disclosure under applicable law.

16           ~~(12)~~(13) "Public officer" means any person who has been elected or appointed as an officer of state or  
17 local government.

18           ~~(13)~~(14) "Public record" means public information that is:

- 19           (a) fixed in any medium and is retrievable in usable form for future reference; and
- 20           (b) designated for retention by the state records committee, judicial branch, legislative branch, or local  
21 government records committee.

22           ~~(14)~~(15) "Records manager" means an individual designated by a public agency to be responsible for  
23 coordinating the efficient and effective management of the agency's public records and information.

24           ~~(15)~~(16) "State records committee" means the state records committee provided for in 2-6-1107."  
25

26           **Section 4.** Section 2-6-1006, MCA, is amended to read:

27           **"2-6-1006. Public information requests -- fees.** (1) A person may ~~request~~ examine or request a  
28 copy of public information from a public agency. A public agency shall make the means of examining or

1 requesting public information accessible to all persons.

2 (2) Upon receiving a request for public information, a public agency shall acknowledge receipt of the  
 3 request as soon as possible within 10 business days and respond in a timely manner to the requesting person  
 4 by, as follows:

5 (a) for requests for public information already prepared and ready for public distribution, by making  
 6 the public information maintained by the public agency available for inspection and copying by examination free  
 7 of charge at the time of the request. If the agency does not have the public information available to examine on  
 8 the agency's website, it shall provide a copy at the time of the request to the requesting person free of charge in  
 9 person or electronically. If the requester asks the agency to provide the public information by mail, the  
 10 information must be mailed to the requester within 5 business days of acknowledgement of the receipt of the  
 11 request. ~~or~~

12 (b) for requests for public information not already prepared and ready for public distribution, by  
 13 making the public information available free of charge for examination and copying by the requester within 5  
 14 business days of acknowledgement of the receipt of the request. The agency may charge 25 cents for each  
 15 page to provide a copy to the requester and shall make copies of the public information available to the  
 16 requester in person, electronically, or by mail within 20 business days of the receipt of the request for copies.

17 ~~(b)(c)~~ (i) for requests for public information that require the agency to search, compile, or gather data  
 18 that is not kept in a uniform format, storage, or software to make the information accessible for the requester to  
 19 examine, by providing the requesting person with an estimate of the time it will take to fulfill the request if the  
 20 public information cannot be readily identified and gathered and any fees that may be charged pursuant to  
 21 subsection (3)(c)(ii).

22 ~~(3)(ii)~~ — A public The agency may charge a fee for fulfilling a public information request. Except where  
 23 a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the  
 24 request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may  
 25 include the time required to gather public information. for actual staff time spent responding to the request in an  
 26 amount equal to the current hourly midpoint rate for an information technology systems analyst 1 of the state's  
 27 broadband pay plan, as provided in 2-18-301. The public agency may require the requesting person to pay the  
 28 estimated fee prior to identifying and gathering the requested public information fulfilling the request and shall

1 make the public information available to the requester in person, electronically, or by mail within 60 business  
2 days of acknowledgement of the receipt of the request if no fee is required or within 60 business days of the  
3 date the estimated fee is paid.

4 (4) A public agency and a requester may mutually agree to extend any deadline established in  
5 subsection (2).

6 ~~(4)~~(5) A public agency is not required to alter or customize public information to provide it in a form  
7 specified to meet the needs of the requesting person.

8 ~~(5)~~(6) If a public agency agrees to a request to customize a records request response, the costs of  
9 the customization may be included in the fees charged by the agency.

10 ~~(6)~~(7) (a) The secretary of state is authorized to charge fees under this section. The fees must be set  
11 and deposited in accordance with 2-15-405. The fees must be collected in advance.

12 (b) The secretary of state may not charge a fee to a member of the legislature or public officer for any  
13 search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or  
14 resolution passed by the legislature relative to the member's official duties."  
15

16 **Section 5.** Section 2-6-1017, MCA, is amended to read:

17 **"2-6-1017. Prohibition on dissemination or use of distribution lists -- exceptions -- penalties. ~~(4)~~**  
18 ~~Except as provided in subsections (3) through (10), to protect the privacy of those who deal with state and local~~  
19 ~~government:~~

20 ~~(a) a public agency may not distribute or sell a distribution list without first securing the permission of~~  
21 ~~those on the list; and~~

22 ~~(b) a list of persons prepared by a public agency may not be used as a distribution list except by the~~  
23 ~~public agency or another public agency without first securing the permission of those on the list.~~

24 ~~(2) As used in this section, "distribution list" means any list of personal contact information collected~~  
25 ~~by a public agency and used to facilitate unsolicited contact with individuals on the distribution list.~~

26 ~~(3) This section does not prevent an individual from compiling a distribution list by examination of~~  
27 ~~records that are otherwise open to public inspection.~~

28 (1) A person may not use or create a distribution list to make unsolicited contact with the individuals

1 on the list.

2 (2) This section does not prevent a public agency from:

3 (a) providing a person with the opportunity to examine and obtain a copy of public information; or

4 (b) contacting the individuals on a distribution list for public purposes.

5 ~~(4)~~(3) This section does not apply to the lists of:

6 (a) registered electors and the new voter lists provided for in 13-2-115;

7 (b) the names of employees governed by Title 39, chapter 31;

8 (c) persons holding driver's licenses or Montana identification cards provided for under 61-5-127;

9 (d) persons holding professional or occupational licenses governed by Title 37, chapters 1 through 4,  
10 6 through 20, 22 through 29, 31, 34 through 36, 40, 47, 48, 50, 51, 53, 54, 60, 65 through 69, 72, and 73, and  
11 Title 50, chapters 39, 72, 74, and 76; or

12 (e) persons certified as claims examiners under 39-71-320.

13 ~~(5)~~(4) This section does not prevent an agency from providing a list to persons providing prelicensing  
14 or continuing education courses subject to state law or subject to Title 33, chapter 17.

15 ~~(6)~~(5) This section does not apply to the right of access by Montana law enforcement agencies.

16 ~~(7)~~(6) This section does not apply to the secretary of state's electronic filing system developed  
17 pursuant to 2-15-404 and containing corporate and uniform commercial code information.

18 ~~(8)~~(7) This section does not apply to the use by the public employees' retirement board of a list of  
19 board-administered retirement system participants to send materials on behalf of a retiree organization formed  
20 for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the  
21 Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the list is not  
22 released to the organization.

23 ~~(9)~~(8) This section does not apply to lists of individuals who sign attendance sheets or sign-in sheets  
24 at a hearing or meeting of a public agency.

25 ~~(10)~~(9) This section does not apply to a public school providing lists of graduating students to  
26 representatives of the armed forces of the United States or to the national guard for the purposes of  
27 recruitment.

28 ~~(11)~~(10) A person violating the provisions of ~~subsection (1)(b)~~ this section is guilty of a misdemeanor."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Section 6.** Section 7-1-2121, MCA, is amended to read:

**"7-1-2121. Publication and content of notice -- proof of publication.** (1) Unless otherwise specifically provided by law and except as provided in 13-1-108, whenever a local government unit other than a municipality is required to give notice by publication, this section applies.

(2) Publication must be in a newspaper meeting the qualifications of subsections (3) and (4), except that in a county where a newspaper does not meet these qualifications, publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication must be made by posting the notice in three public places in the county, designated by resolution of the governing body.

(3) (a) The newspaper must:

- (i) be of general circulation;
- (ii) be published at least once a week;
- (iii) be published in the county where the hearing or other action will take place; and
- (iv) have, prior to July 1 of each year, submitted to the clerk and recorder a sworn statement that

includes:

- (A) circulation for the prior 12 months;
- (B) a statement of net distribution;
- (C) itemization of the circulation that is paid and that is free; and
- (D) the method of distribution.

(b) A newspaper of general circulation does not include a newsletter or other document produced or published by the local government unit.

(4) In the case of a contract award, the newspaper must have been published continuously in the county for the 12 months preceding the awarding of the contract.

(5) If a person is required by law or ordinance to pay for publication, the payment must be received before the publication may be made.

(6) The notice must be published twice, with at least 6 days separating each publication.

(7) The published notice must contain:

- (a) the date, time, and place of the hearing or other action;

- 1 (b) a brief statement of the action to be taken;
- 2 (c) the address and telephone number of the person who may be contacted for further information on
- 3 the action to be taken; ~~and~~
- 4 (d) if the meeting will be held in whole or in part by remote means, information about the method by
- 5 which the meeting will be held, how the public may participate remotely, and how documents to be discussed
- 6 during the meeting can be accessed by the public; and

7 ~~(d)~~(e) any other information required by the specific section requiring notice by publication.

8 (8) A published notice required by law may be supplemented by a radio or television broadcast of the  
9 notice in the manner prescribed in 2-3-105 through 2-3-107.

10 (9) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher,  
11 printer, or clerk of the newspaper or of the person posting the notice.

12 (10) If the newspaper fails to publish a second notice, the local government unit must be considered to  
13 have met the requirements of this section as long as the local government unit submitted the required  
14 information prior to the submission deadline and the notice was posted in three public places in the county that  
15 were designated by resolution and, if the county has an active website, was posted on the county's website at  
16 least 6 days prior to the hearing or other action for which notice was required."

17

18 **Section 7.** Section 7-1-2122, MCA, is amended to read:

19 **"7-1-2122. Mail notice.** (1) Unless otherwise specifically provided, whenever a local government unit  
20 other than a municipality is required to give notice of a hearing or other official act by mail, the requirement may  
21 be met by:

22 (a) deposit of the notice, properly addressed, in the United States mail with postage paid at the first-  
23 class rate;

24 (b) sending the notice by certified mail rather than first class; or

25 (c) mailing the notice at the bulk rate instead of first class if notice is to be given by mail to all electors  
26 or residents of the affected local government unit.

27 (2) The notice shall contain:

28 (a) the date, time, and place of the hearing or other action;

- 1 (b) a brief statement of the action to be taken;
- 2 (c) the address and telephone number of the person who may be contacted for further information on
- 3 the action to be taken; ~~and~~
- 4 (d) if the meeting will be held in whole or in part by remote means, information about the method by
- 5 which the meeting will be held, how the public may participate remotely, and how documents to be discussed
- 6 during the meeting can be accessed by the public; and
- 7 ~~(d)~~(e) any other information required by the specific section requiring mail notice.
- 8 (3) When notice by mail is required, the requirement applies only to persons whose addresses are
- 9 known."

10

11 **Section 8.** Section 7-1-4127, MCA, is amended to read:

12 **"7-1-4127. Publication of notice -- content -- proof.** (1) When a municipality is required to publish

13 notice, publication must be in a newspaper, except that in a municipality with a population of 500 or less or in

14 which a newspaper is not published, publication may be made by posting in three public places in the

15 municipality that have been designated by ordinance.

16 (2) The newspaper must:

- 17 (a) be of general circulation;
- 18 (b) be published at least once a week;
- 19 (c) be published in the county where the municipality is located; and
- 20 (d) have, prior to July 1 of each year, submitted to the city clerk a sworn statement that includes:
  - 21 (i) circulation for the prior 12 months;
  - 22 (ii) a statement of net distribution;
  - 23 (iii) itemization of paid circulation and circulation that is free; and
  - 24 (iv) the method of distribution.

25 (3) A newspaper of general circulation does not include a newsletter or other document produced or

26 published by the municipality.

27 (4) In the case of a contract award, the newspaper must have been published continuously in the

28 county for the 12 months preceding the awarding of the contract.

1 (5) In a county where a newspaper does not meet the qualifications in subsection (2), publication  
2 must be made in a qualified newspaper in an adjacent county.

3 (6) If a person is required by law or ordinance to pay for publication, the payment must be received  
4 before the publication may be made.

5 (7) The notice must be published twice, with at least 6 days separating each publication.

6 (8) The published notice must contain:

7 (a) the date, time, and place of the hearing or other action;

8 (b) a brief statement of the action to be taken;

9 (c) the address and telephone number of the person who may be contacted for further information on  
10 the action to be taken; ~~and~~

11 (d) if the meeting will be held in whole or in part by remote means, information about the method by  
12 which the meeting will be held, how the public may participate remotely, and how documents to be discussed  
13 during the meeting can be accessed by the public; and

14 ~~(d)(e)~~ any other information required by the specific section requiring notice by publication.

15 (9) A published notice required by law may be supplemented by a radio or television broadcast of the  
16 notice in the manner prescribed in 2-3-105 through 2-3-107.

17 (10) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher,  
18 printer, or clerk of the newspaper or of the person posting the notice.

19 (11) If the newspaper fails to publish a second notice, the municipality must be considered to have met  
20 the requirements of this section as long as the municipality submitted the required information prior to the  
21 submission deadline and the notice was posted in three public places in the municipality that were designated  
22 by ordinance and, if the municipality has an active website, was posted on the municipality's website at least 6  
23 days prior to the hearing or other action for which notice was required."  
24

25 **Section 9.** Section 7-1-4129, MCA, is amended to read:

26 **"7-1-4129. Mail notice.** (1) Unless otherwise specifically provided, when a municipality is required to  
27 give notice of a hearing or other official act by mail, the requirement may be met by:

28 (a) deposit of the notice properly addressed in the United States mail with postage paid at the first-

1 class rate;

2 (b) sending the notice by certified mail rather than first class; or

3 (c) mailing the notice at the bulk rate instead of first class when notice is to be given by mail to 200 or  
4 more electors or residents of a municipality.

5 (2) The notice shall contain:

6 (a) the date, time, and place at which the hearing or other action will be taken;

7 (b) a brief statement of the action to be taken;

8 (c) the address and telephone number of the person who can be contacted for further information on  
9 the action to be taken; ~~and~~

10 (d) if the meeting will be held in whole or in part by remote means, information about the method by  
11 which the meeting will be held, how the public may participate remotely, and how documents to be discussed  
12 during the meeting can be accessed by the public; and

13 ~~(d)~~(e) any other information required by the specific section requiring mail notice.

14 (3) When notice by mail is required, the requirement shall apply only to persons whose addresses are  
15 known."

16

17 **Section 10.** Section 7-1-4131, MCA, is amended to read:

18 **"7-1-4131. Public hearing.** (1) When required, the governing body shall conduct public hearings for  
19 the purpose of providing reasonable opportunity for citizen participation prior to final decisions.

20 (2) At a minimum, a public hearing ~~shall~~ must provide for submission of both oral and written  
21 testimony for and against the action or matter at issue. If the hearing is not held before the ultimate decision  
22 makers, provision ~~shall~~ must be made for the transmittal of a summary or transcript of the testimony received to  
23 the ultimate decision makers prior to their determination.

24 (3) Public hearings may be held at regular or special meetings of the governing body.

25 (4) Petitions and letters received by the governing body or executive prior to the hearing ~~shall~~ must be  
26 entered by reference into the minutes of the governing body and considered as other testimony received at the  
27 hearing.

28 (5) Hearings may be adjourned from day to day or to a date certain.

1           (6) Except for budget hearings, the governing body may designate a subcommittee or hearing  
2 examiner to conduct public hearings.

3           (7) Public hearings may be held in whole or in part by remote means in accordance with the  
4 requirements of [section 1] and this section."

5

6           **Section 11.** Section 7-5-2122, MCA, is amended to read:

7           **"7-5-2122. Meetings of board of county commissioners.** (1) The board of county commissioners of  
8 a county shall establish by resolution a regular meeting date and notify the public of that date.

9           (2) Except as provided in subsection (3) or in the event of an emergency situation under 2-3-112  
10 affecting the public health, welfare, or safety, all meetings must be held on the date designated in subsection  
11 (1) ~~and at the county seat of the board's county.~~ Meetings must be held at the county seat of the board's county  
12 or by remote means pursuant to [section 1].

13           (3) The board may, by resolution and having provided at least 2 days' posted public notice in  
14 accordance with 7-1-2123, designate another meeting time or place.

15           (4) The presence of a quorum of members of the board at an event or meeting of another entity or  
16 organization or traveling in the same vehicle does not constitute a meeting of the board as long as no issues  
17 over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard.  
18 County business may only be conducted during a meeting as defined in 2-3-202 for which notice has been  
19 properly given.

20           (5) If a quorum of commissioners is present at an event or meeting or is traveling in the same vehicle  
21 when it was not possible to provide public notice under 7-1-2123 and issues over which the commission has  
22 supervision, control, jurisdiction, or advisory power are discussed or heard, the commissioners present shall  
23 provide a report at the commission's next regularly scheduled public meeting. The report must include the name  
24 of the event or meeting, the name of the persons involved, the date and location of the event or meeting, and a  
25 brief summary of the issues discussed or heard. If the commissioners' presence at the unnoticed meeting or  
26 event is reasonably expected to precipitate ensuing consideration of any issue by the board of county  
27 commissioners, details associated with the issue discussed or heard must also be included in the report."  
28

1           **Section 12.** Section 7-5-4121, MCA, is amended to read:

2           **"7-5-4121. Conduct of council business.** (1) A majority of the members of the council constitute a  
3 quorum for the transaction of business, but a less number may meet and adjourn to any time stated and may  
4 compel the attendance of absent members, under ~~such~~ the rules and penalties as the council may prescribe.

5           (2) The ayes and noes must be called and recorded on the final passage of any ordinance, bylaw, or  
6 resolution or the making of any contract. The voting on the election or appointment of any officer must be viva  
7 voce. A majority of the whole number of the members elected is requisite to appoint or elect an officer, and  
8 ~~such~~ the vote must be recorded.

9           (3) Council business may be conducted in whole or in part by remote means pursuant to [section 1]."

10

11           **Section 13.** Section 20-3-322, MCA, is amended to read:

12           **"20-3-322. Meetings and quorum.** (1) The trustees of a district shall hold at least the following  
13 number of regular meetings:

- 14           (a) an organization meeting, as prescribed by 20-3-321;
- 15           (b) a final budget meeting, as prescribed by 20-9-131; and
- 16           (c) (i) in first-class elementary districts, not less than one regular meeting each month; or
- 17           (ii) in any other district, regular meetings at least quarterly.

18           (2) (a) The trustees of the district shall adopt a policy setting the day and time for the minimum  
19 number of regular school meetings prescribed in subsection (1)(c)(i) or (1)(c)(ii) and, in addition, any other  
20 regular meeting days the trustees wish to establish. Except for an unforeseen emergency, ~~or~~ as provided in  
21 subsection (2)(b), or if held in whole or in part by remote means, meetings must be conducted in school  
22 buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the  
23 district.

24           (b) This section does not prohibit the trustees from meeting outside the boundaries of the school  
25 district for collaboration or cooperation on educational issues with other school boards, educational agencies, or  
26 cooperatives. Adequate notice of the meeting as well as an agenda must be provided to the public in advance.  
27 Decisionmaking may occur only at a properly noticed meeting held within the school district's boundaries or by  
28 remote means.

